

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 24, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT MICHAEL WILTFONG,

Plaintiff,

v.

RYAN COX,

Defendant.

NO: 2:19-CV-406-RMP

ORDER DISMISSING ACTION

By Order filed May 4, 2020, the Court advised Plaintiff Robert Michael Wiltfong of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty days. ECF No. 12. A copy of the Order was sent to Plaintiff at the Grant County Jail but was returned as undeliverable on June 9, 2020. ECF No. 14. On May 27, 2020, the Grant County Sheriff had notified the Court that Plaintiff was released from incarceration on February 24, 2020. ECF No. 13.

The Court may dismiss an action if mail directed to a *pro se* plaintiff has been returned by the Postal Service and the plaintiff fails to notify the Court and

ORDER DISMISSING ACTION -- 1

1 opposing parties within 60 days thereafter of his current mailing address. LCivR  
2 41(b)(2). The Court has an interest in managing its docket and in the prompt  
3 resolution of civil matters. *See Destifino v. Reiswig*, 630 F.3d 952, 959 (9th Cir.  
4 2011) (affirming district court's inherent power to control its docket); *see also*  
5 *Pagtalunan v. Galaza*, 291 F.3d 639, 642–44 (9th Cir. 2002) (discussing factors to  
6 consider in dismissing claims for failure to prosecute or comply with court order,  
7 including public's interest in expeditious resolution, court's need to manage  
8 docket, and risk of prejudice to defendants).

9 Plaintiff has not kept the Court apprised of his current address and has filed  
10 nothing further in this action. More than sixty days have elapsed since Plaintiff's  
11 mail was returned to this Court as undeliverable. Therefore, the Court dismisses  
12 Plaintiff's case for failure to keep the Court advised of his current mailing address.  
13 LCivR 41(b)(2).

14 Accordingly, **IT IS HEREBY ORDERED:**

- 15 1. This action is **DISMISSED WITHOUT PREJUDICE** pursuant  
16 to LCivR 41(b)(2).
- 17 2. All pending motions, if any, are **DENIED AS MOOT**.
- 18 3. All scheduled court hearings, if any, are **STRICKEN**.

19 //

20 //

21 //

**IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order, enter judgment, provide copies to Plaintiff at his last known address and close the file. The Court certifies any appeal of this dismissal would not be taken in good faith.

**DATED** August 24, 2020.

*s/ Rosanna Malouf Peterson*  
 ROSANNA MALOUF PETERSON  
 United States District Judge